

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 EVERETT L. SPILLARD, II,

12 Plaintiff,

13 v.

14 COSTA, et al.,

15 Defendants.
16

No. 2:20-cv-0702 CKD P

ORDER AND

FINDINGS AND RECOMMENDATIONS

17 By order filed December 30, 2020, plaintiff's complaint was dismissed and thirty days
18 leave to file an amended complaint was granted. The thirty day period has now expired, and
19 plaintiff has not filed an amended complaint.

20 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district
21 court judge to this case; and

22 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
23 Local Rule 110; Fed. R. Civ. P. 41(b).

24 These findings and recommendations are submitted to the United States District Judge
25 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen after
26 being served with these findings and recommendations, plaintiff may file written objections with
27 the court. The document should be captioned "Objections to Magistrate Judge's Findings and
28 Recommendations." Plaintiff is advised that failure to file objections within the specified time

1 waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
2 1991).

3 Dated: February 10, 2021



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

8 1
9 spil0702.fta